

REMARKS

This Amendment is being filed in response to the Office Action mailed August 21, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 remain in this application where claims 9-20 have been added by this amendment. Claims 1 and 5 are independent.

By means of the present amendment, claims 1-8 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-8 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has

been amended to correct certain informalities.

In the Office Action, claim 8 is rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Without agreeing with the position forwarded in the Office Action, and in the interest of furthering the prosecution and expediting allowance of the present Application, claim 8 has been amended for better form that more clearly recites statutory subject matter. It is respectfully requested that the rejection of claim 8 under 35 U.S.C. §101 has been overcome and withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1-8 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,490,061 (Tanaka). It is respectfully submitted that claims 1-20 are patentable over Tanaka for at least the following reasons.

Tanaka is directed to an optical information recording and reproducing apparatus that includes a holographic memory. As correctly noted by the Examiner, Tanaka does not disclose or suggest that the second size (of the detector elements) is larger than a first size (of the imaged data bits). It is alleged that such features are well known.

Applicant, respectfully, traverses that such features are well known and that it would be obvious to 'adapt said feature in the invention of Tanaka,' as alleged on page 3 of the Office Action. Further, Applicant requests that the Examiner provide prior art references clearly illustrating that it is well known to provide detector elements having a size is larger than the size of the imaged data bits, and include such features in an optical holographic device.

It is respectfully submitted that it is neither well known nor obvious to include detector elements having a size is larger than the size of the imaged data bits in an optical holographic device. Accordingly, it is respectfully submitted that independent claims 1 and 5 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-4 and 6-20 should also be allowed at least based on their dependence from amended independent claims 1 and 5.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

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presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By Dicran Halajian  
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
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**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101